

Appl. No. 10/071,424  
Amendment and/or Reply  
To the Office action of 10 May 2006

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### **3. REMARKS / DISCUSSION OF ISSUES**

Claims 1-17 are pending in the application. Claims 1, 10, 16 and 17 are in independent form.

Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

#### **I. Allowable Subject Matter**

Applicants gratefully acknowledge the indication of allowability of claims 3, 4, and 13-15.

#### **III. Rejections under 35 U.S.C. § 102(b)**

Claims 1,2,5,6, 9, 16 and 17 are rejected under 35 U.S.C. § 102(b) in view of *Apicella, et al.* (U.S. Patent 5,273,040). For at least the reasons set forth herein, it is respectfully submitted that the amendments to Claims 1, 10, 16, and 17 render the rejection moot and request that it be withdrawn.

#### **IV. Rejections under 35 U.S.C. § 103(a)**

1. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being obvious in view of *Apicella, et al.* in view of other secondary references.

Claims 3,4,7,8, 10-12 depend directly or indirectly from claim 1. Consequently, Applicants respectfully believe the amendments to Claim 1 render the rejection moot and request its withdrawal.

#### **V. Conclusion**

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that

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may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

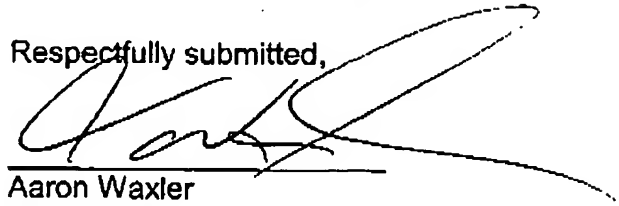
If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 14-1270 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

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Respectfully submitted,



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November 10, 2006  
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